



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: MAIL STOP PETITIONS, COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE NOTED BELOW MY SIGNATURE.

*Sandra K. Adamovich*  
Sandra K. Adamovich  
6-25-03  
Date

9200/AC  
2736  
#224  
#11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ramesh	)	Mail Stop Petitions
Appln No.:	9 08/764,673	)	Commissioner for Patents
Filed:	Jan. 18, 2001	)	P.O. Box 1450
For:	Multi-Ply Backseamable	)	Arlington, VA 22313-1450
	Film	)	

Petition under 37 CFR 1.181  
for Recision of Notice of Abandonment

Mail Stop Petitions  
Commissioner for Patents  
Arlington, VA 22313-1450

Dear Sir:

This petition is filed in response to a Notice of Abandonment mailed on 18 June 2003 in the above-identified application. Although no fee is believed to be due for consideration of this petition because it is necessitated due to PTO error, the undersigned authorizes the Commissioner to charge whatever fee is deemed necessary for consideration of this petition. Reconsideration and recision of the Notice of Abandonment is respectfully requested, in view of the remarks set forth below and the evidence provided herewith.

REMARKS

On 11/20/2002, a non-final Office Action was mailed in the above-identified application. See Exhibit A, which is the PTO-90C. See also Exhibit B, which is the PTO-326. On 20 March, 2003, an Amendment under 37 CFR 1.111 was mailed (via Certificate of Mailing), this

42035-02rev.doc

RECEIVED

JUL 09 2003

OFFICE OF PETITIONS

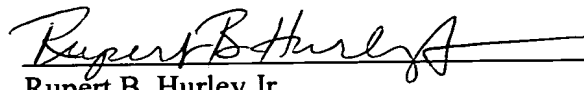
amendment having a length of 10 pages and including an amendment to the specification and responses to §112 and §103 rejections. See Exhibit C. Filed concurrently with the amendment was a Request for Extension of Time for one month, i.e., through 20 March 2003. See Exhibit D. Also filed concurrently with the amendment was a return-receipt postcard, a copy of which is provided. See Exhibit E. The return-receipt postcard identifies both the Amendment under §1.111, as well as the Request for Extension of Time, as received by the USPTO. Note that the copy of the postcard includes the OIPE date stamp of 26 March 2003, which of course serves as acknowledgement by the USPTO that these particular papers were in fact received on 26 March 2003.

On 18 June 2003 a Notice of Abandonment was mailed in the above-identified application. See Exhibit F (PTO-90C) and Exhibit G (PTO-1432). This Notice of Abandonment was received on July 23 and came to the attention of the undersigned on 24 June 2003. Shortly after receipt on the afternoon of 24 June, the undersigned called Examiner Christopher R. Harmon to discuss the Notice of Abandonment relative to the papers filed on 20 March 2003. The Examiner agreed that the Amendment and associated papers must have been misplaced within the USPTO, and suggested that this petition be prepared and filed.

Accordingly, based on the facts and evidence, Applicant respectfully petitions for rescission of the Notice of Abandonment, and entry of the Amendment under 35 CFR §1.111, and reconsideration of the patentability of the claims in view of the amendments and remarks set forth in the amendment. Applicant respectfully requests that comments and/or questions be directed to the undersigned at the telephone number provided below.

CRYOVAC, INC.  
P. O. Box 464  
Duncan, SC 29334  
25 June 2003

Respectfully submitted,

  
Rupert B. Hurley Jr.  
Registration No. 29,313  
(864) 433-3247

Enclosures: Exhibits A, B, C, D, E, and F



RECEIVED NOV 20 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,673	11/20/2001	Ram K. Ramesh	D-42035-06	8627

28236 7590 11/20/2002

CRYOVAC, INC.  
SEALED AIR CORP  
P.O. BOX 464  
DUNCAN, SC 29334

EXAMINER
----------

HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Examiner

Christopher R Harmon

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

- See to take from 9 - 11 - 2001  
- 11 - 2001



Exhibit C

IS BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE  
PREPAID, IN AN ENVELOPE ADDRESSED TO:  
COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231, ON 20 March 2003

Rupert B. Hurley Jr.

Rupert B. Hurley Jr.  
Registration No. 29,313

20 March 2003

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : RAMESH et al.

Group Art Unit: 3721

Serial No : 09/764,673

Examiner: C.R. Harmon

Filing Date: Jan. 18, 2001

Attorney Docket No.: 42035-06

For: BACKSEAMED CASING AND PAKCAGED PRODUCT INCORPORATING SAME

AMENDMENT UNDER 37 C.F.R. §1-111

Commissioner for Patents  
Washington, DC 20231

Sir:

This Amendment under 37 C.F.R. §1.111 is filed in response to the office action mailed 20 November 2002, the period for response to which is extended one month, i.e., through 20 March 2003, by the accompanying request for a one-month extension of time, together with authorization to charge the fee therefor to Deposit Account No. 07-1765. Applicant respectfully requests consideration of the patentability of the claims, in view of the amendments and remarks set forth below.

## **AMENDMENT**

### **IN THE SPECIFICATION**

Kindly amend Page 1 lines 1-15 of the specification to read as follows:

### **BACKSEAMED CASING AND PACKAGED PRODUCT INCORPORATING SAME**

#### **Cross-Reference to Related Applications**

This is a divisional of U.S.S.N. 08/968,016 (now U.S. Patent No. 6,221,410), filed November 12, 1997, which is a continuation-in-part of copending U.S.S.N. 08/951,245 (now abandoned), filed in the U.S. Patent and Trademark Office September 25, 1992, in the name of R.K. Ramesh.

## **REMARKS**

### **I. Status of the Claims**

The pending claims remain Claims 29-48. Claims 29 and 48 are the independent claims, with Claims 30-47 being the pending dependent claims. Claims 29 and 48 are each directed to a process for making a backseamed casing which includes wrapping the film longitudinally around a forming shoe and sealing the film longitudinally to form a backseam.

## II. Applicants' Claim of Priority

As amended in Applicants' Transmittal Letter of 18 January 2001 and as further amended hereinabove, and as filed on 18 January, 2001, Applicants' specification, immediately below the title, reads as follows:

### Cross-Reference to Related Applications

This is a divisional of U.S.S.N. 08/968,016 (now U.S. Patent No. 6,221,410), filed November 12, 1997, which is a continuation-in-part of copending U.S.S.N. 08/951,245 (now abandoned), filed in the U.S. Patent and Trademark Office September 25, 1992, in the name of R.K. Ramesh.

Applicants contend that the claim of priority amendment on the 18 January 2001 transmittal letter satisfies 37 CFR 1.78(a)(2) and (a)(5), and that the above amendments to this portion of Applicants' specification is directed to clerical and other minor matters of form, such as providing an updated status of the parent and grandparent applications as issued and abandoned, respectively. Accordingly, Applicants contend that the claim of priority has been established and maintained throughout the pendency of the instant application, and that no petition is needed to be accorded the benefit of the claim of priority, and that the above amendments to the specification include no new matter. An appendix indicating the various amendments to the specification is provided herewith.

### III. The Rejections under 35 U.S.C. §112, Second Paragraph

In Paragraph 3 of the 20 November 2002 office action, Claims 29-48 are rejected as indefinite for the recitation of the following phrases: “first polyamide”, “second polyolefin”, “second polyamide”, “thickness of at least about 5% of a total film thickness”, “of at least 90 degrees”, “at least 9 percent”, and “of from about 5 to 20 percent”.

In response, Applicants contend that Claims 29-48 are not indefinite for the recitation of any one or more of the above phrases. The rejection in Paragraph 3 merely identifies the phrases and cites the location of the phrases in one of the claims, but does not state why any one or more of the subject phrases are indefinite, i.e., what makes the phrases indefinite. Applicants contend that none of the subject phrases are indefinite, because the scope of the claim (including the phrase) is ascertainable. Applicants also contend that unless and until the PTO states why the identified phrases are indefinite, there is no basis for a 35 USC 112 second paragraph rejection of any one or more of Applicants' claims. In other words, Applicants contend that the language of Paragraph 3 of the Office Action is conclusory, and provides no reason for the characterization of Applicants recitations as “indefinite”.

In addition, Applicants note that parent application U.S.S.N. 08/968,016 issued as U.S.P.N. 6,221,410, reciting all of the phrases which are the subject matter of the instant rejection. Thus, Paragraph 3 of the Office Action is inconsistent with this issuance of the claims in the '410 patent, i.e., Paragraph 3 fails to give full faith and credit to the clarity of the claims in



U.S.P.N. 6,221,410, which contain all of the phrases which are identified as lacking clarity in Paragraph 3.

Based on all of the above, Applicants respectfully request that the rejection under 35 USC 112, second paragraph, be either explained or withdrawn. Of course, the undersigned is more than willing to consider and respond to any specific reasons advanced for the indefiniteness of any one or more of the identified phrases recited in Applicants' Claims 29-48.

#### IV. The Rejections under 35 USC 103(a)

In Paragraph 5 of the 20 November 2002 office action, Claims 29-48 are rejected as unpatentable over U.S. Patent No. 3,130,647, to Anderson et al ("ANDERSON et al") in view of U.S. Patent No. 4,448,792, to Schirmer ("SCHIRMER"). The Office Action states that ANDERSON et al discloses a process for making a backseamed casing by making a multilayer shrink film, wrapping the film around a forming shoe and backseaming while forwarding, and that ANDERSON et al discloses varying the thickness of at least one ply of the film. The Office Action then concludes that as a matter of design choice, it would have been obvious to one of ordinary skill in the art to select a plastic such as anhydride-containing polyolefin with at least 1 weight percent anhydride. The Office Action goes on to admit that ANDERSON et al does not disclose a film having three to six layers, but that SCHIRMER discloses a six layer shrink film having an oxygen barrier layer, for use in a shrink bag, and that SCHIRMER discloses using propylene homo- or co-polymers for use in a specific layer, as well as the presence of a crosslinked polymer network in at least one layer and a sealed article having a lap seal. The

Examiner then took official notice that limitations such as Vicat softening point of 90 degrees, 9 weight percent unsaturated acid mer, layer variations, etc, are obvious design choices, and that at the time the invention was made, one of ordinary skill in the art would provide the desired polymer because Applicant has not disclosed that doing so provides an advantage, is used for a specific purpose, solves a problem, etc., and that one of ordinary skill in the art would have expected Applicants' invention to perform equally well with the disclosed teachings of ANDERSON et al and SCHIRMER because all of the method steps of forming the backseam have been anticipated. As to the thickness ranges and weight percentages, the Office Action states that it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

— In response to the §103 rejection, Applicants contend that Claims 29-48 are patentable over ANDERSON et al in view of SCHIRMER. Before turning to a discussion of the specifics of ANDERSON et al and SCHIRMER, Applicants note that each of the pending independent claims is directed to a process in which a multilayer film is backseamed on a forming shoe and then forwarded from the forming shoe. The multilayer film has a second layer having a thickness which is at least 5% of the total thickness of the multilayer film. The second layer comprises polyamide and/or polyester. Applicants have discovered that the presence of an inner (i.e., internal) layer comprising polyamide and/or polyester and having a thickness of at least 5% of the total film thickness solves a problem. The problem is that the film necks down on the forming shoe during backseaming. Necking down means tightening on the forming shoe so that

the film cannot be forwarded off of the forming shoe. The film Applicants' recite in each of their independent process claims exhibits little or no necking down on the forming shoe. Thus, contrary to the statement in the Office Action that Applicants have not disclosed that their film design provides an advantage, it is clear that indeed Applicants' film design DOES provide an advantage, in that it solves the necking down problem on the forming shoe. Compare the backseaming results for Applicants' Examples 1-6 with the comparative results provided for Applicants' Comparative Examples 7 and 9, as set forth on Pages 43-56, as well as the summary on Page 62 line 14 through Page 73 line 26 of Applicants' specification. Applicants contend that even if a prima facie case of obviousness has been made out, the results set forth in Applicants' specification rebut the prima facie case with evidence of unexpected results and problem solved.

Turning to the inadequacy of the prima facie case, Applicants note that ANDERSON et al discloses backseamed bags made from webs which are loosely bonded to one another, with, for example, one of the webs being polyethylene or polystyrene or polyamide or polyvinylidene chloride (or other polymer), and the other web being provided with an outer layer of paper or foil or cellophane. The Office Action does not point out where ANDERSON et al teaches or suggests a multilayer structure having an internal polyamide layer which makes up at least 5% of the overall film thickness, as recited in each of Applicants' independent Claims 29 and 48. Moreover, a review of ANDERSON et al by the undersigned does not reveal any teaching or suggestion in ANDERSON et al of a multilayer film having such an internal layer. Applicants contend that with no teaching or suggestion of such an internal layer, and with no motivation to

modify the structure of ANDERSON et al to arrive at a multilayer film having such an internal layer, ANDERSON et al does not establish a prima facie case of obviousness of either of Applicants' independent Claims 29 and 48.

Applicants further contend that while the rejection is based on ANDERSON et al in view of SCHIRMER, the Office Action relies upon SCHIRMER for the disclosure of multilayer films having six layers, including an oxygen barrier layer comprising polyvinylidene chloride, in the form of a casing film which shrinks at 185°F, and that SCHIRMER discloses using propylene homo- or co-polymers for a specific layer, as well as the presence of a crosslinked polymer network. However, Applicants point out that the Office Action does not state that SCHIRMER teaches or suggests an internal layer comprising nylon or polyester, with the internal layer making up at least 5% of the total film thickness. Thus, neither ANDERSON et al nor SCHIRMER are relied upon as teaching or suggesting this feature, which is recited in both of Applicants' independent claims. As a result, coupled with Applicants' evidence that this feature is critical to the operability of their claimed process, it is clear that Claims 29 and 48 are patentable over ANDERSON et al in view of SCHIRMER, as no prima facie case of obviousness has been set forth in the Office Action, and Applicants' solution to the necking down problem would overcome any prima facie case if it were there, which it is not.

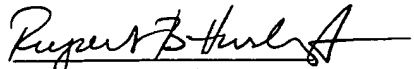
The Office Action appears to take the position that variations of layer thickness and layer composition are "obvious matters of design choice". Applicants disagree. There must be some

teaching or suggestion or some basis for a motivation to arrive at Applicants' claimed process from the disclosures of ANDERSON et al and SCHIRMER. ANDERSON et al fails to recognize any necking down problem in the making of a backseamed casing on a forming shoe. Although SCHIRMER teaches multilayer films for cook-in end use, SCHIRMER does not teach or suggest a multilayer film having an internal layer comprising nylon or polyester, as recited in Applicants' independent Claims 29 and 48. The combination of ANDERSON in view of SCHIRMER fails to arrive at a multilayer film having an internal layer comprising polyamide and/or polyester with the layer having a thickness of at least 5% of the total film thickness. For at least this reason, Applicants' claims are all patentable over ANDERSON et al in view of SCHIRMER. In making the arguments for the patentability of the pending independent claims, Applicants do not waive any additional arguments to these or any other pending claims in this application.

Reconsideration of the patentability of the pending claims is respectfully requested, with a view towards allowance, in view of the points raised above.

Cryovac, Inc.  
P.O. Box 464  
Duncan, S.C. 29334  
20 March 2003

Respectfully submitted,

  
Rupert B. Hurley Jr.  
Attorney for Applicant  
Registration No. 29,313  
(864) 433-3247

## APPENDIX

The various amendments to Page 1 lines 1- 16 of the specification are provided below, with the language in brackets to be deleted, and the language which is underlined and not within brackets being added language.

### **BACKSEAMDED CASING AND PACKAGED PRODUCT INCORPORATING SAME**

#### Cross-Reference to Related Applications

This is a divisional of [application no.] U.S.S.N. 08/968,016 (now U.S. Patent No. 6,221,410), filed [on] November 12, 1997, which

#### [Cross-Reference to Related Application]

[This application] is a continuation-in-part of copending U.S.S.N. 08/951,245 (now abandoned), filed in the U.S. Patent and Trademark Office [on] September 25, 1992, in the name of R.K. Ramesh.



Exhibit D

I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
IS BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST CLASS MAIL POSTAGE  
PREPAID IN AN ENVELOPE ADDRESSED TO:  
COMMISSIONER FOR PATENTS, WASHINGTON, D.C.  
20231, ON: 20 March 2003

Rupert B. Hurley Jr.

Rupert B. Hurley Jr.  
Registration No. 29,313

20 March 2003

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : RAMESH et al.

Group Art Unit: 3721

Serial No : 09/764,673

Examiner: C.R. Harmon

Filing Date: Jan. 18, 2001

Attorney Docket No.: 42035-06

For: BACKSEAMED CASING AND PAKCAGED PRODUCT INCORPORATING  
SAME

**REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a)**

Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants respectfully request a one-month extension of time under 37 CFR, Section 1.136(a) within which to respond to the Official Action dated 20 November 2002, that is, to and including 20 March 2003. An amendment under 37 CFR 1.111 is filed concurrently herewith.

The undersigned authorizes the Commissioner to charge the appropriate extension fee to Deposit Account No. 07-1765. Moreover, the Commissioner is authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 07-1765. This document is filed in duplicate.

The undersigned may be contacted at (864) 433-3247. Please address all correspondence to the below-indicated address.

Respectfully submitted,

Cryovac, Inc.  
P.O. Box 464  
Duncan, S.C. 29334  
20 March 2003

Rupert B. Hurley Jr.  
Rupert B. Hurley Jr.  
Attorney for Applicant  
Registration No. 29,313



Exhibit E  
REC'D APR 8 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RAMESH et al  
Serial No: 09/764,673 Group Art Unit: 3721  
Filed: Jan 18, 2001 Docket No.: G.R. # D-42035-06  
Examiner: C. R. Harmon  
For: "BACKSEAMED CASING AND PACKAGED  
PRODUCT INCORPORATING SAME"

Please acknowledge receipt of the following:

1. Amendment under 37 CFR 1.111 (10 pp, w/Appendix)
2. Req. for Extension of Time under 37 CFR 1.136(a)
3. (1 pg in dup)
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

Bo 1 Mailed: 3-20-03 USPTO

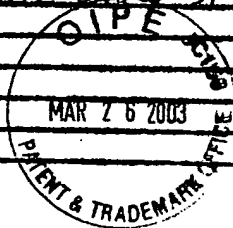




Exhibit F



RECEIVED JUN 27 2003  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,673	01/18/2001	Ram K. Ramesh	D-42035-06	8627

28236 7590 06/18/2003

CRYOVAC, INC.  
SEALED AIR CORP  
P.O. BOX 464  
DUNCAN, SC 29334

EXAMINER

HARMON, CHRISTOPHER R

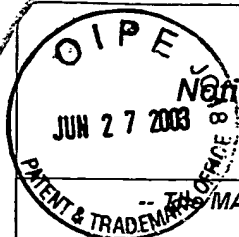
ART UNIT PAPER NUMBER

3721

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*ocket records show response  
sent 3-20-03*



## Notice of Abandonment

Application No.	Applicant(s)	
09/764,673	RAMESH ET AL.	
Examiner	Art Unit	
Christopher R Harmon	3721	

-- THE MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 November 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 3/20/03 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

EUGENE KIM  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.